

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PLAINTIFF STEVEN PLAVIN'S UNOPPOSED  
MOTION TO EXTEND TIME TO RESPOND  
TO DEFENDANT'S MOTION TO DISMISS OR  
FILE AN AMENDED COMPLAINT AS OF RIGHT**

Plaintiff Steven Plavin, by and through counsel, files the within Unopposed Motion to Extend Time to Respond to Defendant Group Health Incorporated's Motion to Dismiss (Dkt. 31) or File An Amended Complaint as of Right as follows:

1. Plaintiff completed service of the Complaint upon Defendant on or about August 18, 2017 by personal service. The deadline to answer, plead, or move with respect to the Complaint was September 8, 2017.

2. The parties jointly agreed to permit Defendant an extension of time to answer, plead, or move until October 6, 2017.

3. The Court granted Defendant's unopposed motion by order dated September 8, 2017 (Dkt. 15).

4. Defendant filed its Motion to Dismiss and Supporting Brief on October 6, 2017 (Dkt. 31).

5. Pursuant to Local Rule 7.6, Plaintiff's Response is due October 20, 2017.

6. Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff may amend the Complaint as of right on or before October 27, 2017.

7. The parties have jointly agreed to permit Plaintiff an extension of time to respond to the Motion to Dismiss or file an amended Complaint as of right until November 17, 2017.

8. The purpose of this request is to enable Plaintiff to fully consider and respond to Defendant's Motion and Supporting Brief, which is 150% of the usual length authorized in this District, *see* Dkt. 25 (order granting word limit extension from 5,000 to 7,500 words), Dkt. 31-1 at 33 (certifying that GHI's brief contains 7,499 words), and presents numerous independent grounds for dismissal, as well as to accommodate the trial schedules of Plaintiff's counsel affected by the extension granted to Defendant.

9. Plaintiff files this motion to memorialize the agreement among counsel regarding an extension of time to respond to the Motion to Dismiss or

file an amended Complaint, and to seek the Court's approval of the same.

10. Counsel for Plaintiff has conferred with counsel for Defendant, who consents to the filing of this Motion.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Unopposed Motion to Extend Time to Respond to Defendant's Motion to Dismiss or File An Amended Complaint as of Right and allow Plaintiff to respond to the Motion to Dismiss or file an amended Complaint on or before November 17, 2017.

Dated: October 11, 2017

/s/ William Christopher Carmody

William Christopher Carmody (*Pro Hac Vice*)  
(NY4539276)

Arun Subramanian (*Pro Hac Vice*)  
(NY4611869)

Halley W. Josephs (*Pro Hac Vice*)  
(NY5348214)

SUSMAN GODFREY LLP  
1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019-6023

Tel.: 212-336-8330

Fax: 212-336-8340

bcarmody@susmangodfrey.com  
asubramanian@susmangodfrey.com  
hjosephs@susmangodfrey.com

Steve Cohen (*Pro Hac Vice*)  
(NY5159587)

15 Broad St., Suite 2412  
New York, NY 10005

Tel.: (212) 255-4944  
Steve.Cohen@SteveCohenEsq.com

J. Timothy Hinton, Jr., Esq. (PA ID 61981)  
Michael F. Cosgrove, Esq. (PA ID 47349)  
HAGGERTY HINTON & COSGROVE  
LLP  
203 Franklin Avenue  
Scranton, PA 18503  
Tel: (570) 344-9845  
timhinton@haggertylaw.net  
mikecosgrove@haggertylaw.net

*Attorneys for Plaintiff and the Class*

**CERTIFICATE REGARDING CONCURRENCE**

I certify that by email dated October 10, 2017, I sought concurrence from counsel for GHI in this motion. By email dated the same day, counsel for GHI consented to Plaintiff's request for an extension of time to respond to the Motion to Dismiss or file an amended Complaint until November 17, 2017.

/s/ Hally W. Josephs

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served via electronic means on the following counsel of record, this 11th day of October, 2017, as indicated below:

**DEBEVOISE & PLIMPTON LLP**

919 Third Ave.  
New York, NY 10022  
(212) 909-6000  
John Gleeson  
jgleeson@debevoise.com  
Maura K. Monaghan  
mmonaghan@debevoise.com  
Eric W. Shannon  
eshannon@debevoise.com  
Jared I. Kagan  
jkagan@debevoise.com

**LEVAN LAW GROUP LLC**

One Logan Square – 27<sup>th</sup> Floor  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103  
(215) 561-1500  
Peter H. LeVan, Jr.  
plevan@levanlawgroup.com

/s/ Hally W. Josephs

*Attorneys for Plaintiff and the Class*